

## UNSAFE SCHOOL CHOICE OPTION POLICY

Pursuant to Title IX, Part E, Section 9532 of the federal No Child Left Behind Act (NCLB) of 2001, the New Jersey Department of Education (NJDOE) must establish and implement a statewide policy requiring that: 1) students who attend persistently dangerous public schools, or 2) those who become victims of violent crimes while in or on the grounds of public schools that the students attend shall be allowed to attend a safe school within their respective school districts. The requirement applies to all titles under NCLB. Compliance with the statute is required in order for New Jersey to receive funds under any of the NCLB titles.

Provided below is a description of key activities and issues to be addressed and ideas that are under consideration for NJDOE to comply with the law by June 30, 2003, as well as NJDOE's action plan for complying with the Unsafe School Option Policy requirement that has been submitted to the United States Department of Education. The action plan includes major tasks, activities and timelines.

### Persistently Dangerous Schools

One provision of the statute requires the NJDOE to identify schools that it determines to be "persistently dangerous." In developing the policy, the NJDOE is required to consult with a representative sample of local educational agencies (LEAs), which the NJDOE refers to as the Unsafe School Choice Option Advisory Panel.

To select the representative sample of LEAs, the NJDOE:

- 1) grouped districts by types and grade ranges (e.g., K-6, K-8, K-12, Vocational, Educational Services, Special Services);
- 2) identified districts across and within district types that would provide a sample that is representative of the following characteristics –
  - a) district size,
  - b) districts with and without a within-district choice option (i.e., same grade range school), and
  - c) districts representing diverse demographics (i.e., urban, suburban, rural) and regions (i.e., north, central, south) of the state; and
- 3) identified a cross-section of school staff functions or types of staff and administrative positions (e.g., central office administrator, building administrator, student support services staff, instructional staff, school resource officer) in the different types and grade ranges of schools. The NJDOE convened the panel for a five-hour meeting on January 14, 2003.

The Panel discussion focused primarily on two elements:

- 1) objective criteria for identifying dangerous schools (e.g., types of offenses, events or incidents, measurements); and
- 2) objective criteria for determining persistence (e.g., periods of time to determine persistence, patterns of offenses for determining persistence).

As a result of the meeting, the following ideas are under consideration for identifying dangerous schools:

- 1) using types of offenses, events or incidents (e.g., use and possession of firearms, assaults with weapons);
- 2) creating measures of multiple criteria (e.g., the number of victims of violent crimes, expulsions for possession of firearms and removals for assaults with weapon(s) and other violence-related offenses); and
- 3) applying measures differentially according to school size.

For determining persistence, the following ideas are under consideration:

- 1) establishing that schools would be determined to be persistently dangerous, if they meet the criteria for a fixed number of years (e.g., three consecutive years); and
- 2) instituting an annual process whereby the NJDOE would –
  - a) analyze statewide data,
  - b) notify schools who are at risk for being designated as persistently dangerous, and
  - c) advise schools to implement corrective action plans prior to being designated persistently dangerous.

Also being considered is the time period for which schools would continue to be determined to be “persistently dangerous.” To be removed from the list of persistently dangerous schools, schools would complete their corrective action plans and have data that does not meet the criteria for a dangerous school for a period of time to be determined. The time periods that would apply to all of the various phases of the policy will be determined at a later date. Existing data collection mechanisms would be used to minimize the burden on LEAs.

#### Victims of Violent Crimes (Individual Choice Option)

A second provision of the statute is the requirement for all public schools to allow victims of violent offenses, as determined by state law, to attend a safe public school in the school district. Effective September 2, 2003, LEAs must be prepared to begin the transfer of students who are victims of a violent crime, as appropriate. The NJDOE, in consultation with the Attorney General’s Education and Law Enforcement Working Group and the New Jersey Department of Law and Public Safety, is currently identifying crimes that constitute a violent criminal offense in New Jersey that will apply to the individual option and which will also be considered for inclusion in the objective criteria for determining persistently dangerous schools.

#### Future Plans

Next steps include:

- Finalizing the list of violent criminal offenses;
- Completing a statistical analysis of existing data for possible categories of danger at different school levels (i.e., elementary school, middle school, high school);
- Assigning thresholds for designated categories for determining persistently dangerous schools;
- Writing a draft policy;
- Sharing the draft policy with the advisory panel for review and comment;
- Reviewing definitions and data collection categories in the existing Electronic Violence and Vandalism Reporting System (EVVRS) for compatibility with the objective criteria and state

definitions for identifying persistently dangerous schools and align the EVVRS, as appropriate;

- Identifying additional data collection needs, if any;
- Updating other statewide groups (e.g., New Jersey Federal Program Administrators, New Jersey Leaders for Educational Excellence group, NCLB Advisory Council);
- Submitting the recommended policy to senior management and the Commissioner for review and approval;
- Disseminating the final, approved Unsafe School Option policy to school districts in the spring of 2003; and
- Providing training to schools in EVVRS reporting to promote more consistent categorization and accurate data collection.

### Related Statute and Regulations

The federal requirement for an Unsafe School Choice Option policy is consistent with the following New Jersey statutes and regulations:

- In accordance with *N.J.S.A. 18:36-5.1*, the week beginning with the third Monday in October of each year is designated as "School Violence Awareness Week." School districts shall observe this week by organizing activities to prevent school violence including, but not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity and tolerance. Law enforcement personnel shall be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school board employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence.
- The provisions of *N.J.S.A. 18A:17-46* require the collection of data and public reporting of incidences of violence at a public meeting, with transcripts submitted to the NJDOE.
- Pursuant to *N.J.A.C. 6A:16-5.3*, any school employee who observes or has direct knowledge from a participant or a victim of an act of violence or the possession or distribution of substances, and any employee who reports a student for being under the influence of alcohol or other drugs, shall file a report describing the incident.
- The provisions of *N.J.S.A. 18A:17-46* require the NJDOE to adopt regulations regarding penalties for any school employee who knowingly falsifies a violence and vandalism report. It is anticipated that the rules required in the statute will be presented at the proposal level to the State Board of Education in March 2003.

**ACTION PLAN**  
**SUBMITTED TO THE UNITED STATES DEPARTMENT OF EDUCATION**  
**FOR THE ESTABLISHMENT AND IMPLEMENTATION**  
**OF AN UNSAFE SCHOOL CHOICE OPTION POLICY IN NEW JERSEY**  
**(Title IX, Part E, Section 9532 of ESEA)**

TASKS AND ACTIVITIES	TIMETABLE
<p><b>Task 1 - Establish Unsafe School Choice Option policy.</b></p> <p><b>Activities</b></p> <ol style="list-style-type: none"> <li>1. Complete draft preliminary policy, including objective criteria for identifying persistently dangerous schools.</li> <li>2. Approve preliminary policy.</li> <li>3. Approve final policy.</li> </ol>	<p>November 1, 2002</p> <p>November 15, 2002</p> <p>May 16, 2003</p>
<p><b>Task 2 - Consult on the preliminary policy with a representative sample of local educational agencies, NJDOE's Advisory Council for the No Child Left Behind Act of 2001, state agencies and professional organizations with interests in education.</b></p> <p><b>Activities</b></p> <ol style="list-style-type: none"> <li>1. Select representative sample of LEA staff.</li> <li>2. Meet with representatives of LEAs to review and make recommendations on the preliminary policy.</li> <li>3. Meet with the Attorney General's Education-Law Enforcement Working Group to review and make recommendations on the preliminary policy.</li> <li>4. Meet with NJDOE's Advisory Council for the No Child Left Behind Act of 2001 to review and make recommendations on the preliminary policy.</li> <li>5. Recommend to the Commissioner of Education modifications to the preliminary policy, based upon the consultation with representatives of LEAs.</li> </ol>	<p>December 31, 2002</p> <p>January 14, 2003</p> <p>March 28, 2003</p> <p>May 1, 2003</p> <p>May 9, 2003</p>
<p><b>Task 3 - Establish data collection process.</b></p> <p><b>Activities</b></p> <ol style="list-style-type: none"> <li>1. Review definitions and data collection categories in the existing Electronic Violence and Vandalism Reporting System (EVVRS) for compatibility with the objective criteria for identifying</li> </ol>	<p>April 25, 2003</p>

persistently dangerous schools, and align EVVRS, as appropriate, with the objective criteria for identifying persistently dangerous schools.	
<b>Task 4 - Implement the Unsafe School Choice Option policy.</b>  <b>Activities</b> <ol style="list-style-type: none"> <li>1. Notify LEAs of the policy and any changes made to the EVVRS.</li> <li>2. LEAs prepared to begin the transfer of students under the policy and to prepare reports under the EVVRS, as appropriate.</li> </ol>	May 30, 2003 September 2, 2003